

14-11-2022
Subha
Item no.27
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1630 of 2021

Santosh Sen & Ors.
-versus-
State of West Bengal

In re : An application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Amit Nath
....for the petitioners.

Md. Anwar Hossain
Ms. Manisha Sharma
....for the State.

Mr. Nath, learned advocate appears on behalf of the petitioners.

Mr. Hossain, learned advocate appears on behalf of the State and produces the case diary.

Petitioners are directed to serve a copy of the revisional application upon Mr. Anwar Hossain, learned advocate who is appearing on behalf of the State and has produced the case diary before this court.

I find from the allegations made in the charge-sheet that the police personnel who interfered with the activity of the accused persons were seriously assaulted and as such, the instant case was registered for investigation. On completion of investigation, police has already filed chargesheet under Sections 332/114 of the Indian Penal Code. The number of witnesses so relied upon are five.

Learned advocate appearing on behalf of the petitioners

submits that no such incident took place and the petitioners have been falsely implicated in connection with the instant case.

Having regard to the powers of this court under Section 482 of the Code of Criminal Procedure, I am of the opinion that this court while exercising its jurisdiction, in relation to continuation of the proceedings are not empowered to assess the truth or falsity in the allegations.

As such, the contentions so advanced are not acceptable to this court. Thus, the proceedings being CRR 1630 of 2021 is dismissed.

Pending applications, if any, are consequently disposed of.

The petitioners would be at liberty to present their case in course of the trial for proving their innocence.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]